

United States Bankruptcy Court
Northern District of Ohio

In re:
Richard M. Osborne
Debtor

Case No. 17-17361-aih
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0647-1

User: mgaug
Form ID: pdf733

Page 1 of 2
Total Noticed: 14

Date Rcvd: Jul 06, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 08, 2018.

db +Richard M. Osborne, 7265 Markell Road, Waite Hill, OH 44094-9312
aty +Frederic P. Schwieg, 2705 Gibson Drive, Rocky River, OH 44116-3008
cr +Gregory M. Dennin, Dennin & Dennin, 2745 Main Street, Lake Placid, NY 12946-3559
cr +CSX Transportation, Inc., c/o McGuireWoods LLP, 50 N. Laura Street, Suite 3300,
Jacksonville, FL 32202-3661
cr +Chicago Title Insurance Company, 2533 North 117th Avenue, Omaha, NE 68164-3679
cr Citizens Bank, N.A., c/o Michael S. Tucker, Esq., 1660 West 2nd Street, Suite 1100,
Cleveland, OH 44113-1448
cr +City of Willoughby, One Public Square, Willoughby, OH 44094-7827
cr +Estate of Jerome T. Osborne, c/o Kirk W. Roessler, Esq., 1301 East Ninth Street Suite 3500,
Cleveland, OH 44114-1838
cr +First National Bank of Pennsylvania, c/o Buckingham, Doolittle & Burroughs,
1375 East 9th Street Suite 1700, Cleveland, OH 44114-1790
intp +Lakeland Community College, c/o Alison L. Archer, Assistant Attorney General,
615 W. Superior Ave., 11th Floor, Cleveland, OH 44113-1899
cr +Michael E. Osborne, Sr., 7670 Tyler Blvd., Mentor, OH 44060-4853
cr +Ohio Department of Taxation, c/o William C. Huffman, 24441 Detroit Road, Suite 300,
Westlake, OH 44145-1543
cr +The Huntington National Bank, c/o Timothy P. Palmer, Esq., Buchanan Ingersoll & Rooney PC,
One Oxford Centre 20th floor, Pittsburgh, PA 15219-1400

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

intp +E-mail/Text: ecf@buckleyking.com Jul 06 2018 21:32:10 Zachary B Burkons,
c/o Buckley King LPA, 600 Superior Ave., Suite 1400, Cleveland, OH 44114-2693
TOTAL: 1

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Bank of America, N.A.
cr Mentor Lumber & Supply Co.
cr Tax Ease Ohio, LLC

TOTALS: 3, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 08, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 6, 2018 at the address(es) listed below:

Adam S. Baker on behalf of Creditor Michael E. Osborne, Sr. abakerlaw@sbcglobal.net,
adam@bakerlaw.us; abakerlaw@gmail.com
Alison L. Archer on behalf of Interested Party Lakeland Community College
alison.archer@ohioattorneygeneral.gov,
Trish.Lazich@ohioattorneygeneral.gov; angelique.dennis-noland@ohioattorneygeneral.gov
Andrew M. Tomko on behalf of Creditor Tax Ease Ohio, LLC atomko@sandhu-law.com,
bklnotice@sandhu-law.com
Austin B. Barnes, III on behalf of Creditor Tax Ease Ohio, LLC abarnes@sandhu-law.com,
bklnotice@sandhu-law.com
Christopher J. Klym on behalf of Creditor Ohio Department of Taxation bk@hkhkwlaw.com
David T. Brady on behalf of Creditor Tax Ease Ohio, LLC DBrady@Sandhu-Law.com,
bklnotice@sandhu-law.com
Frederic P. Schwieg on behalf of Attorney Frederic P. Schwieg fschwieg@schwieglaw.com
Frederic P. Schwieg on behalf of Debtor Richard M. Osborne fschwieg@schwieglaw.com
Gregory P. Amend on behalf of Creditor First National Bank of Pennsylvania gamend@bdblawn.com,
grichards@bdblawn.com
Jeffrey C. Toole on behalf of Interested Party Zachary B Burkons toole@buckleyking.com,
young@buckleyking.com; heberlein@buckleyking.com

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

John J. Rutter on behalf of Creditor Mentor Lumber & Supply Co. jrutter@ralaw.com
Kirk W. Roessler on behalf of Creditor Estate of Jerome T. Osborne kroessler@walterhav.com,
kballa@walterhav.com;slasalvia@walterhav.com
Maria D. Giannirakis ust06 on behalf of U.S. Trustee United States Trustee
maria.d.giannirakis@usdoj.gov
Matthew H. Matheney on behalf of Creditor First National Bank of Pennsylvania
mmatheney@bdblawn.com, bhajduk@bdblawn.com
Michael J. Sikora, III on behalf of Creditor Chicago Title Insurance Company
msikora@sikoralaw.com, aarasmith@sikoralaw.com;mtroha@sikoralaw.com
Michael S. Tucker on behalf of Creditor Citizens Bank, N.A. mtucker@ulmer.com
Nathaniel R. Sinn on behalf of Creditor First National Bank of Pennsylvania nsinn@bdblawn.com,
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Rachel L. Steinlage on behalf of Interested Party Zachary B Burkons rsteinlage@meyersroman.com,
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Robert D. Barr on behalf of Creditor Chicago Title Insurance Company rbarr@koehler.law,
rbarr@koehler.law
Scott R. Belhorn ust35 on behalf of U.S. Trustee United States Trustee
Scott.R.Belhorn@usdoj.gov
Stephen John Futterer on behalf of Creditor City of Willoughby sjfutterer@sbcglobal.net,
r43087@notify.bestcase.com
Stephen R. Franks on behalf of Creditor Bank of America, N.A. amps@manleydeas.com
Timothy P. Palmer on behalf of Creditor The Huntington National Bank timothy.palmer@bipc.com,
donna.curcio@bipc.com

TOTAL: 23

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically on July 5, 2018, which may be different from its entry on the record.

IT IS SO ORDERED.

Dated: July 5, 2018




ARTHUR I. HARRIS
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE RICHARD M. OSBORNE, SR.
Debtor

CASE No. 17-17361
JUDGE ARTHUR I. HARRIS
CHAPTER 11

**AGREED ORDER GRANTING MOTION OF DEBTOR FOR ORDER AUTHORIZING
USE OF CASH COLLATERAL AND GRANTING ADEQUATE PROTECTION**

Before the Court is the Motion of Debtor for Entry of an Agreed Order Authorizing Use Of Cash Collateral with Erie Bank and Granting Adequate Protection [Doc. 172] ("Motion"), a hearing on the Motion having been scheduled for the July 10, 2018 commencing at 11:00 AM; no party in interest having opposed the Motion the Court finds as follows:

1. it has jurisdiction over the matters raised in the Motion under 28 U.S.C. §§ 157 and 1334; (ii) venue of this matter is proper under 28 U.S.C. §§ 1408 and 1409;
2. this matter is a core proceeding under 28 U.S.C. § 157(b)(2) and the relief requested in the Motion is in the best interests of Debtor, its estate, creditors, and other parties in interest;
3. adequate and proper notice of the Motion and the hearing thereon has been given and that no other or further notice is necessary;

4. The Debtor and one or more of his companies have loans outstanding with Eire Bank fka Lake National Bank (“Erie”). Exhibit A to the Motion lists these loans. Three of these loans are with the Debtor or the Richard M. Osborne Trust (“Trust”), and are secured by the properties owned by the Debtor or the Trust listed on Exhibit B to the Motion (“Loans” and “Properties”). On December 17, 2017 the Debtor revoked the Trust which caused the Trust’s property to revert in the Debtor on that date. The Properties are therefore property of this bankruptcy estate;

5. Each of the Loans is secured by a mortgage and an assignment of rents on each of the Properties. The Debtor does not dispute the validity of Erie’s loans or liens; and

6. good and sufficient cause exists for the granting of the relief requested in the Motion as set forth herein. Accordingly,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The Debtor is authorized to pay the rents collected from the Properties to Erie, with the proviso that Erie first pay the real estate taxes due on the Properties, and any excess amount being available to pay interest on Erie’s Loans.

2. This Order shall be immediately effective and enforceable upon entry.

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Prepared and submitted by:

/s/ Frederic P. Schwieg

Frederic P. Schwieg, Esq.

Attorney at Law

2705 Gibson Dr

Rocky River OH 44116-3008

(440) 499-4506

fschwieg@schwieglaw.com

Proposed Attorney for Debtor-In-Possession

Agreed to By:

/s/ Sctot Fink, Esq.

Scott D. Fink, Esq

Weltman Weinberg & Reis
965 Keynote Cir
Brooklyn Heights OH 44131
(216) 739-5644
Fax 739-5680
sfink@weltman.com

Electronic Mail Notice List

The following is a list of the parties who are on the list to receive e-mail notice/service for this case:

17-17361 Notice will be electronically mailed to the U.S. Trustee, and:

Gregory P. Amend on behalf of Creditor First National Bank of Pennsylvania
gamend@bdblawn.com, grichards@bdblawn.com

Alison L. Archer on behalf of Interested Party Lakeland Community College
alison.archer@ohioattorneygeneral.gov, Trish.Lazich@ohioattorneygeneral.gov;angelique.dennis-noland@ohioattorneygeneral.gov

Adam S. Baker on behalf of Creditor Michael E. Osborne, Sr.
abakerlaw@sbcglobal.net, adam@bakerlaw.us;abakerlaw@gmail.com

Austin B. Barnes, III on behalf of Creditor Tax Ease Ohio, LLC
abarnes@sandhu-law.com, bk1notice@sandhu-law.com

Robert D. Barr on behalf of Creditor Chicago Title Insurance Company
rbarr@koehler.law, rbarr@koehler.law

David T. Brady on behalf of Creditor Tax Ease Ohio, LLC
DBrady@Sandhu-Law.com, bk1notice@sandhu-law.com

Stephen R. Franks on behalf of Creditor Bank of America, N.A.
amps@manleydeas.com

Christopher J. Klym on behalf of Creditor Ohio Department of Taxation
bk@hhkwlaw.com

Matthew H. Matheney on behalf of Creditor First National Bank of Pennsylvania
mmatheney@bdblawn.com, bhajduk@bdblawn.com

Timothy P. Palmer on behalf of Creditor The Huntington National Bank
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Kirk W. Roessler on behalf of Creditor Estate of Jerome T. Osborne
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John J. Rutter on behalf of Creditor Mentor Lumber & Supply Co.
jrutter@ralaw.com

Frederic P. Schwieg on behalf of Debtor Richard M. Osborne
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Michael J. Sikora, III on behalf of Creditor Chicago Title Insurance Company
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Rachel L. Steinlage on behalf of Interested Party Zachary B Burkons
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Jeffrey C. Toole on behalf of Interested Party Zachary B Burkons
toole@buckleyking.com, young@buckleyking.com;heberlein@buckleyking.com

Michael S. Tucker on behalf of Creditor Citizens Bank, N.A.
mtucker@ulmer.com

Maria D. Giannirakis ust06 on behalf of U.S. Trustee United States Trustee
maria.d.giannirakis@usdoj.gov

Scott R. Belhorn ust35 on behalf of U.S. Trustee United States Trustee
Scott.R.Belhorn@usdoj.gov